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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91219888
Party	Defendant Senuvo LLC
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Signature	/Steve Bean/
Date	01/30/2015
Attachments	20150130 A's Answer.pdf(211299 bytes )

Registration Subject to the filing

Registration No	4489645	Registration date	02/25/2014
Registrant	4Life Trademarks, LLC 9850 South 300 West Sandy, UT 84070 UNITED STATES		

Goods/Services Subject to the filing

Class 005. First Use: 2013/10/18 First Use In Commerce: 2013/10/18  
All goods and services in the class are requested, namely: Dietary and nutritional supplements; vit-amin, mineral and herbal supplements

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of:  
Application Serial No. 86127647  
for SENUVO

4Life Trademarks, LLC	)	Opposition No. 91219888
Opposer	)	
	)	
v.	)	<b>ANSWER AND COUNTERCLAIM</b>
	)	
Senuvo, LLC	)	
Applicant	)	

Applicant Senuvo, LLC (hereinafter “Applicant”), a Utah limited liability company, for its Answer to the Notice of Opposition filed by Opposer 4Life Trademarks, LLC (hereinafter “Opposer”) against application for registration of Applicant’s trademark SENUVO, Serial No. 86127647 filed November 23, 2013, and published in the Official Gazette of June 24, 2014, pleads and avers as follows:

**FIRST DEFENSE**

In response to the allegations set forth in the specific numbered paragraphs of the Notice of Opposition, Applicant states as follows:

1. Answering paragraph 1 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations.

2. Answering paragraph 2 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations.

3. Answering paragraph 3 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and

accordingly denies the allegations. Applicant further denies any implication in this paragraph that Opposer's alleged rights in the mark 4LIFE TRANSFER FACTOR RENUVO extend to the single word "renuvo."

4. Answering paragraph 4 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations.

5. Answering paragraph 5 of the Notice of Opposition, Applicant admits that it is an Alaska limited liability company formed on November 21, 2013 and denies the remaining allegations in the paragraph.

6. Answering paragraph 6 of the Notice of Opposition, Applicant denies each and every allegation contained therein.

7. Answering paragraph 7 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations.

8. Answering paragraph 8 of the Notice of Opposition, Applicant admits that it offers and sells dietary and nutritional supplements, admits that it sells weight management products, admits that it sells some products through network marketing channels, and denies the remaining allegations in the paragraph.

9. Answering paragraph 9 of the Notice of Opposition, Applicant denies each and every allegation contained therein. Applicant further denies any implication in this paragraph that Opposer's alleged rights in the mark 4LIFE TRANSFER FACTOR RENUVO extend to the single word "renuvo."

10. Answering paragraph 10 of the Notice of Opposition, Applicant admits that the first two photographs shown in this paragraph depict a use by Applicant of its SENUVO trademark. Applicant does not have sufficient knowledge or information to form a belief as to the remaining allegations contained therein and accordingly denies the same. Applicant further denies any

implication in this paragraph that Opposer's alleged rights in the mark 4LIFE TRANSFER FACTOR RENUVO extend to the single word "renuvo."

11. Answering paragraph 11 of the Notice of Opposition, Applicant denies each and every allegation contained therein. Applicant further denies any implication in this paragraph that Opposer's alleged rights in the mark 4LIFE TRANSFER FACTOR RENUVO extend to the single word "renuvo."

12. Answering paragraph 12 of the Notice of Opposition, Applicant admits that the words "senuvo" and "renuvo" differ by one letter and denies the remaining allegations in the paragraph. Applicant further denies any implication in this paragraph that Opposer's alleged rights in the mark 4LIFE TRANSFER FACTOR RENUVO extend to the single word "renuvo."

13. Answering paragraph 13 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations. Applicant further denies any implication in this paragraph that Opposer's alleged rights in the mark 4LIFE TRANSFER FACTOR RENUVO extend to the single word "renuvo."

14. Answering paragraph 14 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations. Applicant further denies any implication in this paragraph that Opposer's alleged rights in the mark 4LIFE TRANSFER FACTOR RENUVO extend to the single word "renuvo."

15. Answering paragraph 15 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations. Applicant further denies any implication in this paragraph that Opposer's alleged rights in the mark 4LIFE TRANSFER FACTOR RENUVO extend to the single word "renuvo."

16. Answering paragraph 16 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and

accordingly denies the allegations. Applicant further denies any implication in this paragraph that Opposer's alleged rights in the mark 4LIFE TRANSFER FACTOR RENUVO extend to the single word "renuvo."

17. Answering paragraph 17 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations. Applicant further denies any implication in this paragraph that Opposer's alleged rights in the mark 4LIFE TRANSFER FACTOR RENUVO extend to the single word "renuvo."

18. Answering paragraph 18 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations. Applicant further denies any implication in this paragraph that Opposer's alleged rights in the mark 4LIFE TRANSFER FACTOR RENUVO extend to the single word "renuvo."

19. Answering paragraph 19 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations. Applicant further denies any implication in this paragraph that Opposer's alleged rights in the mark 4LIFE TRANSFER FACTOR RENUVO extend to the single word "renuvo."

20. Answering paragraph 20 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations. Applicant further denies any implication in this paragraph that Opposer's alleged rights in the mark 4LIFE TRANSFER FACTOR RENUVO extend to the single word "renuvo."

21. Answering paragraph 21 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations. Applicant further denies any implication in this paragraph

that Opposer's alleged rights in the mark 4LIFE TRANSFER FACTOR RENUVO extend to the single word "renuvo."

22. Answering paragraph 22 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations. Applicant further denies any implication in this paragraph that Opposer's alleged rights in the mark 4LIFE TRANSFER FACTOR RENUVO extend to the single word "renuvo."

23. Answering paragraph 23 of the Notice of Opposition, Applicant admits that the goods and services in Opposer's trademark registration for 4LIFE TRANSFER FACTOR RENUVO states "dietary and nutritional supplements; vitamin, mineral and herbal supplements" in International Class 005. Applicant does not have sufficient knowledge or information to form a belief as to the remaining allegations contained therein and accordingly denies the same.

24. Answering paragraph 24 of the Notice of Opposition, Applicant admits that Opposer filed its application for the 4LIFE TRANSFER FACTOR RENUVO registration on May 1, 2013. Applicant does not have sufficient knowledge or information to form a belief as to the remaining allegations contained therein and accordingly denies the same.

25. Answering paragraph 25 of the Notice of Opposition, Applicant admits that Opposer filed a federal trademark application for RENUVO in International Class 005 on July 24, 2014 for "nutritional supplement protein capsules, tablets, powders, shakes and bars intended to support muscle building, fat burning and exercise recovery; dietary supplement protein bar; nutritional supplements in the form of protein shakes and bars; powdered protein supplement drink mix and concentrate; protein supplement shakes; protein supplement shakes for supporting weight loss; protein supplement shakes for supporting muscle building; dietary supplements in the form of powders; powder preparations for providing additional protein and protein concentrate; dietary supplements in the form of capsules and tablets containing protein."

26. Answering paragraph 26 of the Notice of Opposition, Applicant admits that Opposer's application to register RENUVO alone was filed on an intent-to-use basis. Applicant

does not have sufficient knowledge or information to form a belief as to the remaining allegations contained in this paragraph and accordingly denies the same.

27. Answering paragraph 27 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations.

28. Answering paragraph 28 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations. Applicant further denies any implication in this paragraph that Opposer's alleged rights in the mark 4LIFE TRANSFER FACTOR RENUVO extend to the single word "renuvo."

29. Answering paragraph 29 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations. Applicant further denies any implication in this paragraph that Opposer's alleged rights in the mark 4LIFE TRANSFER FACTOR RENUVO extend to the single word "renuvo."

30. Answering paragraph 30 of the Notice of Opposition, Applicant admits the allegations of this paragraph.

31. Answering paragraph 31 of the Notice of Opposition, Applicant admits that the words "senuvo" and "renuvo" differ by one letter. Applicant denies any implication in this paragraph that Opposer's alleged rights in the mark 4LIFE TRANSFER FACTOR RENUVO extend to the single word "renuvo."

32. Answering paragraph 32 of the Notice of Opposition, Applicant admits the allegations of this paragraph.

33. Answering paragraph 33 of the Notice of Opposition, Applicant admits that it uses SENUVO as both a standard character mark and in stylized form. Applicant admits that the first example shows one of Applicant's uses of the mark SENUVO relating to a dietary supplement.

Applicant denies that the remaining two examples in this paragraph show use of the mark SENUVO.

34. Answering paragraph 34 of the Notice of Opposition, Applicant admits the allegations of this paragraph.

35. Answering paragraph 35 of the Notice of Opposition, Applicant admits the allegations of this paragraph.

36. Answering paragraph 36 of the Notice of Opposition, Applicant admits that it markets and sells its products using a direct sales or MLM platform, with commissions and bonuses for distributors. Applicant does not have sufficient knowledge or information to form a belief as to the remaining allegations contained therein and accordingly denies the same.

37. Answering paragraph 37 of the Notice of Opposition, Applicant admits that it markets its SENUVO products using social media such as Pinterest, Facebook, and Twitter. Applicant does not have sufficient knowledge or information to form a belief as to the remaining allegations contained therein and accordingly denies the same.

38. Answering paragraph 38 of the Notice of Opposition, Applicant admits that it claims its products support a healthy immune system. Applicant does not have sufficient knowledge or information to form a belief as to the remaining allegations contained therein and accordingly denies the same.

39. Answering paragraph 39 of the Notice of Opposition, Applicant denies the allegations of this paragraph. Applicant further denies any implication in this paragraph that Opposer's alleged rights in the mark 4LIFE TRANSFER FACTOR RENUVO extend to the single word "renuvo."

40. Answering paragraph 40 of the Notice of Opposition, Applicant denies the allegations of this paragraph. Applicant further denies any implication in this paragraph that Opposer's alleged rights in the mark 4LIFE TRANSFER FACTOR RENUVO extend to the single word "renuvo."



41. Answering paragraph 41 of the Notice of Opposition, Applicant denies the allegations of this paragraph. Applicant further denies any implication in this paragraph that Opposer's alleged rights in the mark 4LIFE TRANSFER FACTOR RENUVO extend to the single word "renuvo."

42. Answering paragraph 42 of the Notice of Opposition, Applicant denies the allegations of this paragraph. Applicant further denies any implication in this paragraph that Opposer's alleged rights in the mark 4LIFE TRANSFER FACTOR RENUVO extend to the single word "renuvo."

43. Answering paragraph 43 of the Notice of Opposition, Applicant denies the allegations of this paragraph. Applicant further denies any implication in this paragraph that Opposer's alleged rights in the mark 4LIFE TRANSFER FACTOR RENUVO extend to the single word "renuvo."

44. Answering paragraph 44 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations. Applicant further denies any implication in this paragraph that Opposer's alleged rights in the mark 4LIFE TRANSFER FACTOR RENUVO extend to the single word "renuvo."

45. Answering paragraph 45 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations. Applicant further denies any implication in this paragraph that Opposer's alleged rights in the mark 4LIFE TRANSFER FACTOR RENUVO extend to the single word "renuvo."

46. Answering paragraph 46 of the Notice of Opposition, Applicant admits that Opposer filed its application for the 4LIFE TRANSFER FACTOR RENUVO registration on May 1, 2013. Applicant does not have sufficient knowledge or information to form a belief as to the remaining allegations contained therein and accordingly denies the same.

47. Answering paragraph 47 of the Notice of Opposition, Applicant denies the allegations of this paragraph. Applicant further denies any implication in this paragraph that Opposer's alleged rights in the mark 4LIFE TRANSFER FACTOR RENUVO extend to the single word "renuvo."

48. Answering paragraph 48 of the Notice of Opposition, Applicant denies the allegations of this paragraph. Applicant further denies any implication in this paragraph that Opposer's alleged rights in the mark 4LIFE TRANSFER FACTOR RENUVO extend to the single word "renuvo."

49. Answering paragraph 49 of the Notice of Opposition, Applicant denies the allegations of this paragraph.

50. Answering paragraph 50 of the Notice of Opposition, Applicant denies the allegations of this paragraph. Applicant further denies any implication in this paragraph that Opposer's alleged rights in the mark 4LIFE TRANSFER FACTOR RENUVO extend to the single word "renuvo."

51. Answering paragraph 51 of the Notice of Opposition, Applicant denies the allegations of this paragraph. Applicant further denies any implication in this paragraph that Opposer's alleged rights in the mark 4LIFE TRANSFER FACTOR RENUVO extend to the single word "renuvo."

52. Answering paragraph 52 of the Notice of Opposition, Applicant admits that it intends to use the mark SENUVO for the goods listed in its application under International Class 5 and that Opposer has a registration for 4LIFE TRANSFER FACTOR RENUVO for certain goods listed under International Class 5. Applicant does not have sufficient knowledge or information to form a belief as to the remaining allegations contained therein and accordingly denies the same. Applicant further denies any implication in this paragraph that Opposer's alleged rights in the mark 4LIFE TRANSFER FACTOR RENUVO extend to the single word "renuvo."

53. Answering paragraph 53 of the Notice of Opposition, Applicant admits that it intends to use the mark SENUVO for the goods listed in its application under International Class 5 and that Opposer has a registration for 4LIFE TRANSFER FACTOR RENUVO for certain goods listed under International Class 5. Applicant does not have sufficient knowledge or information to form a belief as to the remaining allegations contained therein and accordingly denies the same.

54. Answering paragraph 54 of the Notice of Opposition, Applicant admits that it filed for trademark rights to SENUVO in International Classes 3, 30, and 32. Applicant does not have sufficient knowledge or information to form a belief as to the remaining allegations contained therein and accordingly denies the same. Applicant further denies any implication in this paragraph that Opposer's alleged rights in the mark 4LIFE TRANSFER FACTOR RENUVO extend to the single word "renuvo."

55. Answering paragraph 55 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations.

56. Answering paragraph 56 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations. Applicant further denies any implication in this paragraph that Opposer's alleged rights in the mark 4LIFE TRANSFER FACTOR RENUVO extend to the single word "renuvo."

57. Answering paragraph 57 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations. Applicant further denies any implication in this paragraph that Opposer's alleged rights in the mark 4LIFE TRANSFER FACTOR RENUVO extend to the single word "renuvo."

58. Answering paragraph 58 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and

accordingly denies the allegations. Applicant further denies any implication in this paragraph that Opposer's alleged rights in the mark 4LIFE TRANSFER FACTOR RENUVO extend to the single word "renuvo."

59. Answering paragraph 59 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations. Applicant further denies any implication in this paragraph that Opposer's alleged rights in the mark 4LIFE TRANSFER FACTOR RENUVO extend to the single word "renuvo."

60. Answering paragraph 60 of the Notice of Opposition, Applicant denies the allegations of this paragraph. Applicant further denies any implication in this paragraph that Opposer's alleged rights in the mark 4LIFE TRANSFER FACTOR RENUVO extend to the single word "renuvo."

61. Answering paragraph 61 of the Notice of Opposition, Applicant denies the allegations of this paragraph. Applicant further denies any implication in this paragraph that Opposer's alleged rights in the mark 4LIFE TRANSFER FACTOR RENUVO extend to the single word "renuvo."

62. Answering paragraph 62 of the Notice of Opposition, Applicant denies the allegations of this paragraph. Applicant further denies any implication in this paragraph that Opposer's alleged rights in the mark 4LIFE TRANSFER FACTOR RENUVO extend to the single word "renuvo."

63. Answering paragraph 63 of the Notice of Opposition, Applicant denies the allegations of this paragraph. Applicant further denies any implication in this paragraph that Opposer's alleged rights in the mark 4LIFE TRANSFER FACTOR RENUVO extend to the single word "renuvo."

64. Answering paragraph 64 of the Notice of Opposition, Applicant denies the allegations of this paragraph. Applicant further denies any implication in this paragraph that

Opposer's alleged rights in the mark 4LIFE TRANSFER FACTOR RENUVO extend to the single word "renuvo."

65. Answering paragraph 65 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations. Applicant further denies any implication in this paragraph that Opposer's alleged rights in the mark 4LIFE TRANSFER FACTOR RENUVO extend to the single word "renuvo."

66. Answering paragraph 66 of the Notice of Opposition, Applicant denies the allegations of this paragraph.

67. Answering paragraph 67 of the Notice of Opposition, Applicant denies the allegations of this paragraph.

68. Answering paragraph 68 of the Notice of Opposition, Applicant denies the allegations of this paragraph.

69. Answering paragraph 69 of the Notice of Opposition, Applicant denies the allegations of this paragraph.

## **SECOND DEFENSE**

70. There is no likelihood of confusion between Applicant's mark SENUVO and Opposer's registered mark 4LIFE TRANSFER FACTOR RENUVO because the goods for which the registered mark is used are noncompetitive with and unrelated to Applicant's intended goods. Opposer's registration for 4LIFE TRANSFER FACTOR RENUVO subsists only in International Class 5 for "dietary and nutritional supplements; vitamin, mineral and herbal supplements." Applicant, on the other hand, has applied for trademark rights to SENUVO in four different international trademark classifications: 3, 5, 30, and 32. Although Applicant's goods in International Class 5 include certain dietary supplement beverages, those goods are not competitive with Opposer's goods. Likewise, Applicant's intended goods in international classifications 3, 30, and 32 are also not competitive with any of Opposer's goods registered in

Class 5. There is no likelihood of confusion between Applicant's intended use of the mark SENUVO in Classes 3, 5, 30, and 32 and Opposer's use of the mark 4LIFE TRANSFER FACTOR RENUVO.

### **THIRD DEFENSE**

71. There is no likelihood of confusion between Applicant's mark SENUVO and Opposer's registered mark 4LIFE TRANSFER FACTOR RENUVO because the Opposer cannot expand its limited use of the 4LIFE TRANSFER FACTOR RENUVO mark in Class 5 to now include the categories of goods, whether competitive or non-competitive, in Classes 3, 5, 30, and 32 that were claimed by Applicant in its November 23, 2013 trademark filing. Any trademark rights that Opposer may have are narrowly circumscribed and would not lead to a likelihood of confusion.

### **FOURTH DEFENSE**

72. There is no likelihood of confusion between Applicant's mark SENUVO and Opposer's mark 4LIFE TRANSFER FACTOR RENUVO because the marks are not confusingly similar. The different sight, sound, and meaning of the two separate marks precludes any finding of a likelihood of consumer confusion.

### **FIFTH DEFENSE**

73. There is no likelihood of confusion between Applicant's mark SENUVO and Opposer's mark 4LIFE TRANSFER FACTOR RENUVO because the parties market and distribute their respective goods through different direct marketing channels with no possibility of overlap. In direct marketing, products are sold directly to the consumer from an authorized distributor or from the company. There is simply no possibility that a consumer of 4Life products would be confused as to the source of Senuvo's products if the 4Life products are sold through different direct marketing channels.

### **SIXTH DEFENSE**

74. Opposer is barred from opposing Applicant's trademark application for the mark SENUVO by reason of its own unclean hands.

### **FIRST COUNTERCLAIM**

75. Applicant believes that it will be damaged by Opposer's United States Trademark Registration No. 4489645 issued February 2,5 2014 for the trademark 4LIFE TRANSFER FACTOR RENUVO in International Class 5 for "dietary and nutritional supplements; vitamin, mineral and herbal supplements," and hereby counterclaims and petitions the Trademark Trial And Appeal Board to cancel the registration in part.

76. The grounds for partial cancellation of the mark 4LIFE TRANSFER FACTOR RENUVO is that the mark has only been used in commerce with respect to dietary supplements targeted for supporting healthy aging and daily stress management. Accordingly, the 4LIFE TRANSFER FACTOR RENUVO registration is invalid as being too broad for its actual usage and should be modified to more accurately portray the goods as dietary supplements "targeted for supporting healthy aging and daily stress management." Limiting the registration to more accurately portray the goods would eliminate any alleged likelihood of confusion between the parties' marks.

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WHEREFORE, Applicant requests that the Notice of Opposition be dismissed.

Respectfully submitted,

Dated: January 30, 2015

LEGENDS LAW GROUP, PLLC

By: Steve Bean

Stephen H. Bean, Esq.  
Attorney for Applicant

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**CERTIFICATE OF SERVICE**

I hereby certify that on Friday, January 30, 2015, I caused a true and correct copy of Applicant's **ANSWER AND COUNTERCLAIM** to be delivered by first class U.S. Mail to the following:

Glenn Spencer Bacal  
Bacal Law Group, P.C.  
6991 E. Camelback Rd., Ste D-102  
Scottsdale, AZ 85251

A handwritten signature in black ink that reads "Steve Bean". The signature is written in a cursive style and is positioned above a horizontal line.

Stephen H. Bean, Esq.